

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE BANK OF NEW YORK, as  
Indenture Trustee,

Plaintiff,

v.

TYCO INTERNATIONAL GROUP S.A.,  
TYCO INTERNATIONAL, LTD., and  
TYCO INTERNATIONAL FINANCE  
S.A.,

Defendants.

Docket No. 07 CV 4659 (SAS)

**NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

Oral Argument Requested

PLEASE TAKE NOTICE THAT, upon the pleadings and papers in this matter, the Declaration of Andrew G. Gordon, dated December 4, 2007, and the exhibits thereto, Plaintiff's Local Rule 56.1 Statement of Undisputed Facts in Support of Its Motion for Summary Judgment, dated December 4, 2007, and the accompanying Memorandum of Law, Plaintiff The Bank of New York will move this Court before the Honorable Shira A. Scheindlin, at a date and time to be determined by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Plaintiff's motion for summary and entering judgment in favor of Plaintiff.

Oral argument is requested.

The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: December 4, 2007  
New York, New York

Respectfully submitted,

DECHERT LLP

PAUL, WEISS, RIFKIND,  
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